

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO

IN RE:  
WILFREDO RODRIGUEZ GONZALEZ  
MARTA VAZQUEZ VIDOT

DEBTOR (S)

CASE NO. 10-07134-BKT

CHAPTER 13

**TRUSTEE'S UNFAVORABLE REPORT  
ON PROPOSED PLAN CONFIRMATION UNDER §1325**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Above Median / 60 months commitment period.**

Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$0.00**

**R2016 STM. \$3,000.00**

<b>TOTAL ATTORNEYS FEES THRU PLAN: \$3,000.00    Fees paid: \$0.00    Fees Outstanding: \$3,000.00</b>
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With respect to the proposed (amended) Plan dated: **September 30, 2010** (Dkt 13).

Plan Base: **25,450.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Fails Disposable Income Test : Debtor(s) fails to commit all future earnings / projected disposable income to fund the plan. [§1322(a)(1) & §1325(b)(1)(B)]

Debtors must amend plan to provide that all future tax refunds will be submitted to the Trustee to increase the base of the plan.

- [§1325(a)(5)(A)] Secured creditor(s) provided for in the Plan has/have NOT ACCEPTED the same.

Both Popular Auto and Banco Bilbao Vizcaya Argentaria ("BBVA") have objected the confirmation of the plan. Popular Auto has objected confirmation because Debtor has failed to provide adequate protection payments regarding car that will be paid in full through the plan (Docket 22). BBVA has objected the plan because Debtor has provided for the lift of stay regarding his secured debt with BBVA and such entity is requesting that Debtor surrenders the collateral instead (Docket 15).

- Adequate Protection Payments.[§1326]

Plan fails to provide for adequate protection payments to Popular Auto in regards to automobile that will be paid in full through the plan.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this March 07, 2011.

/s/ Jose R. Carrion

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/s/ Alexandra Rodriguez -Staff Attorney

ARD

JOSE R. CARRION  
CHAPTER 13 TRUSTEE  
PO Box 9023884, San Juan, PR 00902-3884  
Tel. (787) 977-3535 Fax (787) 977-3550